THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.17971 of 2006

Date: 1st November, 2006

Between :-

Ali Bin Osman Bin Hajob .. Petitioner

And

The Commissioner,
Municipal Corporation of Hyderabad,
Tank Bund Road, Hyderabad
And 2 others .. Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.17971 of 2006

ORDER:-

Heard the Counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents 1 and 2 in not considering the representation of the petitioner dated 14-8-2006 for demolition of the unauthorized construction of the respondent No.3 by encroaching upon the public road adjacent to the petitioner's property viz., House bearing No.18-2-39/31/1 situate at Gaz-e-Milat Colony, Chandrayanagutta, Hyderabad as per Hyderabad Municipal Corporation Act which is in violation of Articles 14 and 21 of the Constitution of India and to pass such other suitable orders.

3. Several factual details are narrated in the affidavit filed in support of the Writ Petition. In the counter affidavit filed by R.3 specific stand was taken that no such alleged encroachment on the public road was made at any point of time. This Court is not inclined to express any further opinion relating to the other factual controversies between the parties. In the light of several factual details narrated, the second respondent to consider the representation of the petitioner dated 14-8-2006 in accordance with law after putting the 3rd respondent on notice and give an opportunity to the 3rd also and pass such appropriate

orders in the facts and circumstances of the case. The Writ Petition is disposed of accordingly. No order as to costs.

Justice P.S.Narayana

1st November, 2006

smr